IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of Conf. No.: 2595

Josef Schwagmann

Serial No.: 10/520,716 Examiner: T. K. KIM

Filed: June 6, 2005 Art Unit: 2453

For: RECOGNITION OF REDUCED SERVICE CAPACITIES IN A COMMUNICATION

NETWORK

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents P.O. BOX 1450 Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for withdrawal of the holding of abandonment of March 24, 2009. The basis for the petition is that the time limit for responding to the outstanding office action has not expired, and a timely response is being filed concurrently herewith. A Notice of Appeal and a Petition for a Three Month Extension of Time was filed on September 11, 2008. Hence, Applicant has seven (7) months from the filing of the Notice of Appeal (2 months, and 5 extensions) in order to respond. Hence, the period for reply does not expire until April 13, 2009 (April 11 and 12 being a weekend).

Enclosed are copies of (1) the Notice of Abandonment, (2) a Request for Continued Examination (and the submission), and (3) a Request for Extension of Time.

In view of the noted documents, the Commissioner is requested to withdraw the holding of abandonment. Please charge any fee deficiency or credit any overpayment to deposit account 04-1061.

Respectfully submitted,

DICKINSON WRIGHT PLLC

Attorneys for Applicants

Date: April 13, 2009

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DC 135111v1

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,716	06/06/2005	Josef Schwagmann	2002P10577WOUS 2595	
29177 K&L Gates LI.	7590 03/24/2009 P		EXAMINER	
P.O. BOX 1135			KIM, TAE K	
CHICAGO, IL 60690			ART UNIT	PAPER NUMBER
			2453	
			MAIL DATE	DELIVERY MODE
			03/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
Interview Summary	10/520,716	SCHWAGMANN, JOSEF			
interview Summary	Examiner	Art Unit			
	TAE K. KIM	2453			
All participants (applicant, applicant's representative, PTO	personnel):				
(1) <u>TAE K. KIM</u> .	(3)				
(2) <u>Kevin R. Spivak</u> .	(4)				
Date of Interview: 17 March 2009.					
Type: a)⊠ Telephonic b)□ Video Conference c)□ Personal [copy given to: 1)□ applicant	2) <mark> applicant's representative</mark>				
Exhibit shown or demonstration conducted: d) Yes If Yes, brief description:	e)⊠ No.				
Claim(s) discussed: <u>none</u> .					
Identification of prior art discussed: <u>none</u> .					
Agreement with respect to the claims f) was reached.	g)⊡ was not reached. h)⊠ N	/A.			
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: 6 Month status update after notice of appeal; left message stating application will be determined to be abandoned.					
(A fuller description, if necessary, and a copy of the amend allowable, if available, must be attached. Also, where no dallowable is available, a summary thereof must be attached	copy of the amendments that w	eed would render the claims ould render the claims			
THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.					
	/Tae K. Kim/ Examiner, Art Unit 2453				

	Application No.	Applicant(s)				
	10/520,716	SCHWAGMANN, JOSEF				
Notice of Abandonment	Examiner	Art Unit				
	TAE K. KIM	2453				
The MAILING DATE of this communication app	*************************************	L				
This application is abandoned in view of:						
Applicant's failure to timely file a proper reply to the Office (a) ☐ A reply was received on (with a Certificate of Moreover period for reply (including a total extension of time of)	failing or Transmission dated) month(s)) which expired on), which is after the expiration of the				
(b) A proposed reply was received on, but it does not consider the proposed reply words 27 CFR 1.113 to a final rejection						
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).						
(c) A reply was received on but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).						
(d) 🖸 No reply has been received.						
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).						
(a) The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).						
(b) The submitted fee of \$ is insufficient. A balance of \$ is due.						
The issue fee required by 37 CFR 1.18 is \$ T	he publication fee, if required by 37 (CFR 1.18(d), is \$				
(c) The issue fee and publication fee, if applicable, has no	t been received.					
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).						
(a) Proposed corrected drawings were received on (with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply.						
(b) No corrected drawings have been received.						
1. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.						
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.						
The decision by the Board of Patent Appeals and Interference rendered on and because the period for seeking court review of the decision has expired and there are no allowed claims.						
7. ☑ The reason(s) below:						
Attempted to contact attorney of record. Left message stating the status of this application and that it will be considered abandoned.						
/ARIO ETIENNE/ Supervisory Patent Examiner, Art Unit 2457	/Tae K. Kim/ Examiner, Art Unit 2453					
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw	v the holding of abandonment under 37 C	FR 1.181, should be promptly filed to				